

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-CO-N010-2010-0010-EA

CASEFILE/ALLOTMENT NUMBER: 0504170/04157

PROJECT NAME: Issuance of a grazing lease on the East Dry Creek Allotment #04157.

LEGAL DESCRIPTION: see Allotment Map, Attachment 1

East Dry Creek Allotment #04157 T5N R88W, W ½ E ½ Sec. 3 (BLM parcel)

1,881 acres private

158 BLM

2,039 total

APPLICANT: David and Kathleen Smith

PLAN CONFORMANCE REVIEW: The Proposed Action and Alternatives are subject to the following plan:

Name of Plan: Little Snake Resource Management Plan and Record of Decision

Date Approved: April 26, 1989

Results: The Proposed Action is consistent with the Little Snake Resource Management Plan, Record of Decision, Livestock Grazing Management objective to improve range conditions for both wildlife and livestock through proper utilization of key forage plants and adjusting livestock stocking rates as a result of vegetation studies.

The Proposed Action is located within Management Unit 1, Eastern Yampa River. The Proposed Action is compatible with the management objective for this unit, which is to provide for the development of coal, oil, and gas resources. The Proposed Action would not conflict with the development of these resources.

NEED FOR PROPOSED ACTION: The East Dry Creek Allotment #04157 has been a vacant allotment available for grazing use by a qualified applicant. The previous lessee was Cross Mountain Ranches who no longer owns or controls qualifying base property for the allotment. The

applicant leases private land that qualifies as base property for this allotment under 43 CFR 4110.2-1 (a) and (e). This lease is subject to issuance at the discretion of the Secretary of the Interior, who delegated the authority to BLM, for a period of up to ten years. The U.S. Bureau of Land Management has the authority to renew the livestock grazing permit/lease consistent with the provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Land Policy and Management Act*, and Little Snake Field Office's *Resource Management Plan/Environmental Impact Statement*. This Plan/EIS has been amended by *Standards for Public Land Health in the State of Colorado*.

The following Environmental Assessment will analyze the impacts of livestock grazing on public land managed by the BLM. The analysis will recommend terms and conditions to the permit/lease which improve or maintain public land health. The Proposed Action will be assessed for meeting land health standards.

In order to graze livestock on public land, the livestock producer (permittee/lessee) must hold a grazing permit/lease. The grazing lessee has a preference right to receive the lease if grazing is to occur. The land use plan allows grazing to occur on this parcel. This EA will be a site specific look to determine if grazing should be authorized as provided for in the land use plan and to identify the conditions under which it can be permitted.

PUBLIC SCOPING PROCESS: The Little Snake Field Office sent out a notice of availability of vacant grazing allotments on January 21, 2009 to interested and otherwise qualified individuals. A notice was also posted in the *Craig Daily Press* and the *Steamboat Pilot* on January 31 and February 7, 2009 to solicit interested parties to apply for authorizations to graze these allotments.

BACKGROUND: Kathleen Smith contacted the Little Snake Field Office in 2007 to inquire as to the status of any permitted grazing use on the East Dry Creek Allotment. Until 2000, the allotment was leased to Cross Mountain Ranch. This lease was cancelled when it was discovered that Cross Mountain did not own or control any qualifying base property for this allotment. Since 2000, the allotment has been vacant, but available for lease by an applicant with ownership or control of qualifying (adjacent) base property. David and Kathleen Smith are leasing the offered base property from the Cottonwood Land Company, a subsidiary of Peabody Coal Company. The offered base property adjoins the BLM parcel on the west, north, east sides.

The previous authorization was for 20 sheep from May 1 through October 31 and 4 cattle from July 1 through August 31, for a total of 32 AUMs.

The East Dry Creek Allotment is located approximately six miles south of Hayden, Colorado. It is located along a north-facing slope at the foot of the Williams Fork Mountains. It is situated between Dry Creek and Sage Creek and encompasses a portion of a steep drainage. Elevations range from approximately 7,460 feet in the southerly portion of the allotment to approximately 6,800 feet in the northerly portion of the allotment.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Proposed Action

Issue a grazing lease on the vacant East Dry Creek Allotment #04157 to David L. and Kathleen A. Smith for a period of three years, expiring December 31, 2011. This grazing lease would establish a preference tie to the qualifying base property owned by the Cottonwood Land Company as leased for grazing purposes by David and Kathleen Smith. The lease would be issued with the following terms and conditions:

Allotment	Livestock	Dates		%PL	AUMs
Name & Number	Number & Kind	Begin	End		
East Dry Creek #04157	16 Cattle	07/01	08/31	100	33

The above lease would be subject to the Standard and Common Terms and Conditions, see Attachment 2.

No Action

The application to issue a grazing lease would be denied and the allotment would remain vacant. It would continue to remain open to grazing use for other qualified applicants; therefore, for the purposes of this analysis, this alternative would be similar to the Proposed Action.

Alternatives Considered but not Analyzed:

NEPA requires federal agencies to rigorously explore and evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). As also required by NEPA, the range of alternatives considered in detail includes only those alternative that would fulfill the purpose and need for the Proposed Action.

No Grazing Alternative

No livestock grazing would take place under this alternative.

This alternative is eliminated from detailed study because it is not a realistic, implementable alternative, nor does it meet the requirements of the Federal Land Policy and Management Act of 1976. When the RMP was approved, it was determined that livestock grazing was an appropriate use of this land. Eliminating grazing is not analyzed because no new issues or concerns have been identified that would require this action.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY

Affected Environment: The allotment does not lie within any special designation airsheds or non-attainment areas.

Environmental Consequences, all alternatives: Authorizing cattle grazing would not cause regional air quality impairment under either of the alternatives. The existing plant cover gives sufficient cover to the soil surface and the continued use of rotational grazing would provide would maintain sufficient plant cover to protect soils from wind erosion. There are no existing roads on the allotment, so there would be none to extremely limited vehicular access for livestock management activities and it would not result in releases of particulate matter (dust) emissions.

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/4/09

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not present.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Gina Robison 11/10/09

CULTURAL RESOURCES

Affected Environment: Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment was completed for the East Dry Creek Allotment on November 9, 2009 by Robyn Watkins Morris, Little Snake Field Office Archaeologist. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. A copy of the cultural resource assessment is in the field office archaeology files.

Data developed here were taken from the cultural program project report files, site report files, and base maps kept at the Little Snake Field Office as well as from General Land Office (GLO) maps, BLM land patent records, An Overview of Prehistoric Cultural Resources Little Snake Resource

Area, Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, and An Isolated Empire, A History of Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and Appendix 21 of the Little Snake Resource Management Plan and Environmental Impact Statement, Draft February 1986, Bureau of Land Management, Craig, Colorado District, Little Snake Resource Area.

The table below is based on the allotment specific analysis developed for the East Dry Creek Allotment. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in the allotment.

Allotment Number	Acres Surveyed at a Class III Level	Acres NOT Surveyed at a Class III Level	Percent of Allotment Inventoried at a Class III Level	Eligible or Need Data Sites- Known in Allotment	Estimated Sites for the Allotment *(total number)	Estimated Eligible or Need Data Sites in the Allotment (number)
04157	107	1932	5.2	1	54	16

*Estimates of site densities are based on known inventory data. Estimates should be accepted as minimum figures which may be revised upwards based on future inventory findings.

Six cultural resource inventories were conducted within the allotment, resulting in the complete coverage inventory of 107 acres and the recording of four cultural resources. One is an historic homestead, one is an historic cairn, one is an historic survey marker, and one is a prehistoric open camp with rock art. The General Land Office (GLO) plats were reviewed for this project. Nothing was found on the 1882 GLO plat for T5N R88W or the 1877 GLO plat for T6N R88W. On the 1913 GLO plat for T5N R88W, there was an historic road in Sections 2 and 11 and the William Fork to Hayden road in Sections 4 and 9. On the 1913 GLO plat for T6N R88W, there was an historic road and reservoir in Sections 33 and 34.

Based on available data, a medium potential for historic properties occurs in East Dry Creek Allotment. A cultural resource inventory will be conducted in areas where livestock concentrate. Subsequent field inventory is to be completed within the next ten years.

If historic properties are located during the subsequent field inventory, and BLM determines that grazing activities are adversely impacting the properties, mitigation will be identified and implemented in consultation with the Colorado State Historic Preservation Office.

Environmental Consequences, all alternatives: The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gullyng, and increased potential for unlawful collection and vandalism. Continued livestock use in these concentration areas may cause substantial ground disturbance and cause irreversible adverse effects to historic properties. Saltblock placement, which creates a concentration area, along roads or anywhere in the

allotment would potentially impact historic properties if they are in proximity of the placement.

Mitigation Measures: None

Name of specialist and date: Robyn Watkins Morris 11/9/09

ENVIRONMENTAL JUSTICE

Affected Environment: The allotment is located in an area of isolated dwellings. Oil and gas development and ranching are the primary economic activities.

Environmental Consequences, all alternatives: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of either alternative. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None

Name of specialist and date: Louise McMinn 11/9/09

FLOOD PLAINS

Affected Environment: There are no flood plains present on public lands within the East Dry Creek Allotment.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/4/09

INVASIVE, NONNATIVE SPECIES

Affected Environment: Invasive and noxious weeds are present in the allotment and surrounding areas. Invasive annuals such as cheatgrass, blue mustard, and yellow alyssum commonly occur and are occupying disturbed areas, shrub interspaces, and areas where livestock concentrate. Cheatgrass is on the Colorado List C of noxious weeds. Colorado List B noxious weeds that may be found in or near the allotment include houndstongue, Canada thistle, hoary cress (whitetop), leafy spurge, dalmatian toadflax, oxeye daisy, Russian knapweed, black henbane, musk thistle, bull thistle, and other biennial thistles. The BLM is in cooperation with the Routt County Cooperative Weed Management program to employ the principals of Integrated Pest Management to control noxious weeds on public lands.

Environmental Consequences, all alternatives: The adverse impact of increased invasive and/or noxious weed establishment is very similar under either of the alternatives. Vehicular

access to public lands for dispersed recreation and grazing operations, livestock and wildlife movement, as well as wind and water, can cause weeds to spread into new areas. Surface disturbance due to livestock concentration and human activities associated with grazing operations can also provide opportunity for increased weed presence. The perennial noxious weeds found in the area are less frequently established on the uplands but some potential exists for their establishment in lower areas with higher soil moisture. The largest concern in the allotment would be for biennial and perennial noxious weed species to become established and not be detected, therefore not treated or controlled. Land management practices of the livestock operator would help with identification and potential expansion of weeds within the allotment.

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/4/09

MIGRATORY BIRDS

Affected Environment: The East Dry Creek Allotment provides potential nesting habitat for Brewers sparrow, sage sparrow, and golden eagles. All historic nest sites for golden eagles lie outside of this allotment's boundaries. Golden eagles likely use public lands within this allotment for hunting activities.

Environmental Consequences, Proposed Action: Most Brewer's sparrows and sage sparrows will have completed nesting activities by the time livestock are allowed onto the allotment. There is the possibility that some nests would still be active when livestock use this allotment. There is a slight chance that livestock could trample a nest. The probability that this would occur is low, therefore the chance of take of either species is low. Livestock grazing is not likely to have impacts on golden eagle nest sites. The proposed grazing system would ensure that habitats for the golden eagle's prey species are not impacted. Chance of take of Golden eagles is very low.

Environmental Consequences, No Action: There would be a possibility that a grazing lease could be considered that would allow livestock onto the allotment earlier than July 1, potentially resulting in a greater chance of nest trampling and take. A more detailed assessment of this impact would be performed in the event that the current application was rejected and another grazing proposal was made.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 11/13/09

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Eastern Shoshone, Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 26, 2009. The letter listed the FY2010 projects that the BLM would notify them on and projects that would not require notification. A

follow up phone call was performed on July 26, 2009. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris 11/9/09

PRIME & UNIQUE FARMLANDS

Affected Environment: Not present.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/4/09

T&E AND SENSITIVE ANIMALS

Affected Environment: There are no threatened or endangered animal species or habitats for such species present within the East Dry Creek Allotment. This allotment does provide potential nesting habitat for Columbian sharp-tailed grouse, a BLM special status species.

Environmental Consequences, Proposed Action: The Proposed Action would not have any impact on threatened or endangered species or their habitats. The proposed livestock grazing system would not permit livestock on the allotment until July 1 and most Columbian sharp-tailed grouse will have completed nesting activities by this time. There is a possibility that some active nests would remain beyond July 1. Chance of livestock trampling these nests would be low. The proposed grazing system would not likely to negatively impact long-term health of nesting habitat.

Environmental Consequences, No Action: There would be a possibility that a grazing lease could be considered that would allow livestock onto the allotment earlier than July 1, potentially resulting in a greater chance of nest trampling and take. A more detailed assessment of this impact would be performed in the event that the current application was rejected and another grazing proposal was made.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 11/13/09

T&E AND SENSITIVE PLANTS

Affected Environment: There are no federally listed threatened or endangered or BLM sensitive plant species present on the East Dry Creek Allotment.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/4/09

WASTES, HAZARDOUS OR SOLID

Affected Environment: There are no hazardous wastes present on the allotment.

Environmental Consequences, all alternatives: Potential releases of hazardous materials could occur due to vehicular access for livestock management operations. Coolant, oil, and fuel are materials that could potentially be released. Due to the limited amount of vehicular activity that would be required, the potential for releases of any of these materials is low and if a release were to occur, it would be minimal and highly localized and not result in an adverse impact to the allotment.

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/4/09

WATER QUALITY - GROUND

Affected Environment: The allotment overlies ground water aquifer containing meteoric water. The ground water quality throughout the area ranges from potable to useable in aquifers within porous and fractured formations, mostly sandstone.

Environmental Consequences, all alternatives: Due to the limited amount of livestock grazing and dispersal of livestock over a relatively large area, there would be no impact to ground water quality by grazing on this allotment.

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/18/08

WATER QUALITY - SURFACE

Affected Environment: Surface runoff from the public land parcel within the East Dry Creek Allotment flows into Dry Creek, a perennial tributary of the Yampa River. The confluence with the Yampa River is just north of the town of Hayden. Dry Creek needs to have water quality sufficient to support Aquatic Life Warm 2, Recreation E, and Agriculture. Dry Creek is considered impaired due to elevated levels of selenium. It is uncertain as to the source of selenium, but it is possible that it is naturally occurring.

Environmental Consequences, all alternatives: The allotment is upstream of waterways that are currently supporting classified uses. Permitting livestock grazing as proposed is consistent with land uses throughout the Dry Creek and upper Yampa watersheds and would not result in

changes to this circumstance. The elevated selenium levels would not be affected either way by grazing on this allotment.

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/4/09

WETLANDS/RIPARIAN ZONES

Affected Environment: There are no wetlands or riparian areas on public lands within this allotment.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/4/09

WILD & SCENIC RIVERS

Affected Environment: Not present.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Gina Robison 11/10/09

WSAs, WILDERNESS CHARACTERISTICS

Affected Environment: Not present.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Gina Robison 11/10/09

NON-CRITICAL ELEMENTS

SOILS

Affected Environment: The most prevalent soil that is accessible to livestock is the Winevada-Splitro Complex, 3-25% slopes. This soil complex supports the Mountain Loam ecological site and is well drained with moderately low to moderately high permeability and is

typically 20 to 40 inches deep.

Other soils present include the Winevada fine sandy loam, 25-65% slopes, Foidel loam, 15-25% slopes, and the Rabbitears loam, 12-25% slopes. The Winevada fine sandy loam supports the Mountain Loam ecological site and is well drained with moderately low to moderately high permeability and is typically 20 to 40 inches deep. The Foidel loam supports the Brushy Loam ecological site and is well drained with high permeability and is typically up to 60 inches deep. The Rabbitears loam supports the Mountain Loam ecological site and is well drained with moderately high permeability and is typically up to 60 inches deep.

Environmental Consequences, all alternatives: Most of the slopes within the allotment would be accessible for livestock grazing. Since there are no water sources on the public land parcels, there would be little opportunity for livestock concentration areas to develop that would result in areas of compaction or loss of plant cover. At the proposed stocking rate of 5 acres/AUM and the large amount of adjacent private land within the allotment, grazing use would maintain sufficient plant cover to both protect the soil surface from wind and water erosion and allow the plant community to continue to produce litter in sufficient amounts to maintain a healthy organic layer and sustain appropriate water permeability.

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/5/09

UPLAND VEGETATION

Affected Environment: The allotment is dominated by mountain shrub and sagebrush dominated plant communities. Common plants present include Gambel oak (*Quercus gambelii*), snowberry (*Symphoricarpos albus*), serviceberry (*Amelanchier alnifolia*), bitterbrush (*Purshia tridentata*), big sagebrush (*Artemisia tridentata*), Wood's rose (*Rosa woodsii*), yarrow (*Achillea millefolium*), Kentucky bluegrass (*Poa pratensis*), western wheatgrass (*Agropyron smithii*), slender wheatgrass (*A. trachycaulum*), bluebunch wheatgrass (*A. spicatum*), and prairie junegrass (*Koeleria pyramidata*).

Environmental Consequences, Proposed Action: By delaying grazing use until July 1, forage plants would be able to complete their spring growth phases without grazing pressure except for wildlife. Additionally, removal of livestock prior to September and the early fall season would ensure that cool season plants are able to initiate growth prior to snowfall without livestock grazing pressure. Grazing on this allotment at the proposed stocking rate and season would be sustainable and would not restrict the plant community from performing its role in providing wildlife habitat or protecting the watershed.

Environmental Consequences, No Action: Grazing under a different proposal, i.e. different seasons of use or a different class of livestock would have impacts that differ from the Proposed Action. Since there are no firm proposals from other potential operators, it is not possible to adequately assess the impacts at this time.

Mitigative Measures: None

Name of specialist and date: Hunter Seim 11/5/09

WILDLIFE, AQUATIC

Affected Environment: There is no aquatic wildlife habitat on public lands within this grazing allotment.

Environmental Consequences, all alternatives: None

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 11/13/09

WILDLIFE, TERRESTRIAL

Affected Environment: The East Dry Fork Allotment provides year round habitat for mule deer, elk and pronghorn antelope, including severe winter habitat for elk. A variety of small mammals, song birds and reptiles may also be found on public lands at various times of the year.

Environmental Consequences, Proposed Action: The Proposed Action would not likely affect big game animals or their habitats. Livestock grazing, as proposed, would ensure that sufficient forage would continue to be available for wildlife. Habitat conditions would remain in a condition capable of supporting healthy wildlife populations.

Environmental Consequences, No Action: There would be a possibility that a grazing lease could be considered that would allow livestock onto the allotment earlier than July 1, potentially resulting in different impacts. A more detailed assessment of these impacts would be performed in the event that the current application was rejected and another grazing proposal was made.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny 11/13/09

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals		EMO 11/5/09	
Forest Management	JHS 11/4/09		
Hydrology/Ground		EMO 11/5/09	
Hydrology/Surface		JHS 11/10/09	

Paleontology		EMO 11/5/09	
Range Management		JHS 11/4/09	
Realty Authorizations	LM 11/9/09		
Recreation/Travel Mgmt		GMR 11/10/09	
Socio-Economics		LM 11/9/09	
Solid Minerals		JAM 11/12/09	
Visual Resources		GMR 11/10/09	
Wild Horse & Burro Mgmt	JHS 11/4/09		

CUMULATIVE IMPACTS SUMMARY: This allotment and areas surrounding have historically been grazed by both sheep and cattle. Numerous maintained and unmaintained roads exist throughout the area. These roads are used regularly by local residents and ranchers as well by as the primary recreation users in the area, hunters. Wildlife populations in the area are high, especially for deer and elk that compete with livestock for available forage throughout the area. The primary impacts from all of these activities are most immediately seen in the presence of roads, cultivation on private lands, and weed presence. The Proposed Action to continue grazing on this allotment is compatible with other uses, both historic and present, and would not add any new or detrimental impacts to those that are already present.

STANDARDS

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: The East Dry Creek Allotment is currently capable of supporting healthy, diverse populations of wildlife. The proposed grazing system would not have a negative impact on any species populations or their habitats. This standard is currently being met and would continue to be met under both alternatives.

Name of specialist and date: Timothy Novotny 11/13/09

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD: There are no threatened or endangered species or habitats for such species within the East Dry Creek Allotment. This allotment does contain nesting habitat for Columbian sharp-tailed grouse, a BLM special status species. Most Columbian sharp-tailed grouse will have completed nesting activities prior to the July 1 turnout date associated with the Proposed Action. There is some chance that some active nests would remain beyond this date. There is a slight chance that livestock could trample one of these nests. This would result in decreased reproductive success of the individual birds. This is not likely to have any negative impact on the species populations. This standard is currently being met and would continue to be met in the future under both the Proposed Action and the No Action Alternative.

Name of specialist and date: Timothy Novotny 11/13/09

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: The public land parcel on the East Dry Creek Allotment supports a vigorous and diverse native plant community. The Proposed Action would maintain the plant community's health by avoiding the spring and fall periods which are critical phases of the growth cycle of the cool season plants that make up the bulk of the forage base, thereby meeting this standard. The No Action Alternative could allow grazing during the spring and/or fall periods, but grazing use under a hypothetical scenario allowed by this alternative would not be authorized unless it was determined that this standard would continue to be met.

Name of specialist and date: Hunter Seim 11/5/09

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant) STANDARD: There are no federally listed threatened or endangered or BLM sensitive plant species present on the East Dry Creek Allotment. This standard does not apply.

Name of specialist and date: Hunter Seim 11/4/09

RIPARIAN SYSTEMS STANDARD: There are no riparian areas present on the East Dry Creek Allotment. This standard does not apply.

Name of specialist and date: Hunter Seim 11/5/09

WATER QUALITY STANDARD: Runoff waters from this allotment flow into Dry Creek. Dry Creek is listed as an impaired stream for elevated levels of selenium. It is not certain what the source of the selenium is. Otherwise, the water quality of Dry Creek is presently supporting classified uses. Permitting livestock grazing on this allotment is consistent with land uses throughout the Dry Creek watershed and would not result in changes to this circumstance. Either alternative would meet this standard.

Name of specialist and date: Hunter Seim 11/5/09

UPLAND SOILS STANDARD: The soils on this allotment are not excessively eroded and are supporting a vigorous plant community which is providing good cover to ensure soil stability. The soils are generally deep and well drained. Grazing use as proposed or as likely proposed under a No Action scenario would, at a minimum, allow the plant community to continue to provide adequate cover and organic material production necessary to maintain the continued stability of the soils. Either alternative would meet this standard.

Name of specialist and date: Hunter Seim 11/5/09

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, Kathy Smith.

ATTACHMENTS: Attachment 1, Allotment Map
Attachment 2, Standard and Common Terms and Conditions

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

Finding of No Significant Impact

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. With the implementation of the attached mitigation measures there is a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

ATTACHMENT #2
DOI-BLM-CO-N010-2010-0010-EA
TERMS AND CONDITIONS

Standard Terms and Conditions

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- 2) They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based;
 - c. A transfer of grazing preference by the permittee/lessee to another party;
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described;
 - e. Repeated willful unauthorized grazing use;
 - f. Loss of qualifications to hold a permit or lease.
- 3) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits and leases when completed.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- 8) Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
- 9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

- 10) Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
- 11) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) Storing or feeding supplemental forage on public lands other than salt or minerals must have prior approval. Forage to be fed or stored on public lands must be certified noxious weed-free. Salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.

- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days the authorized officer will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

- F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.
- G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.